

Exhibit 20

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----:
PDV USA, INC., :
Plaintiff, :
-against- : Case No.#20-cv-3699
INTERAMERICAN CONSULTING :
INC., : New York, New York
Defendant.: January 3, 2023

-----: CONFERENCE

PROCEEDINGS BEFORE
THE HONORABLE ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For Plaintiff: WILLKIE FARR & GALLAGHER LLP
BY: Jeffrey B. Korn
787 Seventh Avenue
New York, New York 10019

For Defendant: TUCKER H. BYRD & ASSOCIATES, PA
BY: Tucker H. Byrd
180 North Park Avenue
Suite 2A
Winter Park, Florida 32789

Proceedings recorded by electronic sound recording;
Transcript produced by transcription service.

PROCEEDINGS

1 an application can be made to lift the stay if the
2 material has not been secured within a reasonable
3 time. What within your view is a reasonable time?

4 MR. KORN: I would think in 90 days, 120
5 days would be a reasonable time. It should be
6 plenty of time for Mr. Rivera to obtain these
7 documents.

8 As I've said, this is certainly more within
9 his control than within ours. And we just want the
10 documents and -- so that we can use them in our case
11 and to respond to the counterclaims for \$30 million
12 that have been asserted against my clients.

13 We have no interest in delaying this case
14 indefinitely, but we want to obtain the documents,
15 and we want to make sure that this case does not
16 proceed into summary judgment without them and
17 without the opportunity to reopen Mr. Rivera's
18 deposition to ask questions about them.

19 THE COURT: Okay. All right.

20 Mr. Byrd, do you want to respond to that?

21 MR. BYRD: I would. Thank you, Your Honor.

22 First of all, let me start by saying that I
23 think a stay is an excessive remedy for what they're
24 asking. But let me, kind of, talk about some of the
25 particulars, including starting with the fact we

PROCEEDINGS

1 don't know exactly what these documents are the
2 government's referring to. There's a reference to
3 them in the indictment. Many of them, I believe,
4 we're going to find were originally in Spanish, so
5 we're not sure whether the interpretation is
6 accurate or not, but assuming that it is, we don't
7 know exactly what they have. It refers to text
8 messages. I think it refers to an e-mail or two,
9 but until we actually see the documents, we don't
10 really know.

11 But let's assume that there is some -- you
12 know, some relevance of some value to everybody. As
13 to the question about, you know, why they were not
14 produced -- and we've told them before, as to the
15 text messages, we believe they were on a phone which
16 the FBI took control of back in 2017, years before a
17 lawsuit was filed. And my clients never got the
18 possession of that phone back. Whatever is on that
19 phone, is on that phone. We don't have it.

20 They made an interesting point in
21 Footnote 4 of one of their applications. They said,
22 well, you can -- there's a permissive way to
23 download the account data. I think that's a
24 voluntary thing. I'm not aware that was ever done.
25 I'm not even aware whether you could go back now,

PROCEEDINGS

1 five years later, into a WhatsApp account and
2 resurrect text messages. You know, WhatsApp is not
3 like some of these other services.

4 THE COURT: Well, you say you're not aware,
5 but has any effort been made to see if that can be
6 done?

7 MR. BYRD: We have not looked into that.
8 We will be glad to do that, Your Honor. I mean,
9 that's a simple -- the simple response is, sure, we
10 would be glad to see if we can.

11 You know, the government has what it has,
12 and I think that that deals with the bulk of what
13 they call the missing documents. And if the Court
14 prefers, we would be glad to see if it can be
15 resurrected. It's a -- it is just a little
16 different, as I understand it. It is a -- that's a
17 technical question.

18 THE COURT: Sure.

19 MR. BYRD: As to the reference to an
20 e-mail, I'm not sure what e-mails they're referring
21 to. Obviously, we think we've done an exhaustive
22 e-mail search. And if we saw the e-mails they are
23 referring to, who knows? I mean, we ran -- twice,
24 we produced documents. We've run queries. You
25 know, does there -- is there something unusual about

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C E R T I F I C A T E

I, Adrienne M. Mignano, certify that the
foregoing transcript of proceedings in the case of
PDV USA, Inc. v. Interamerican Consulting Inc.;
Docket #20CV3699 was prepared using digital
transcription software and is a true and accurate
record of the proceedings.

Signature Adrienne M. Mignano
ADRIENNE M. MIGNANO, RPR

Date: March 8, 2023